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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,407	04/12/2004	Warren Gillette	6095P2784	2890
23504	7590	02/01/2006	EXAMINER	
WEISS & MOY PC 4204 NORTH BROWN AVENUE SCOTTSDALE, AZ 85251				KAYES, SEAN PHILLIP
			ART UNIT	PAPER NUMBER
			2841	

DATE MAILED: 02/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/822,407	GILLETTE ET AL.	
	Examiner	Art Unit	
	Sean Kayes	2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 April 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 12 April 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/12/04.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Sasaki (US 5511045.)

4. With respect to claim 1 Sasaki discloses a personal electronic starter and timer comprising: a finish line unit (40 figure 2) for generating an end of race signal across a finish line of a race of a predetermined distance; and a body unit (60 figure 7) coupled to a body of a person for generating a countdown signal and starting a timing function after

a start signal, the timing function terminating when the body unit reads the end of race signal generated by the finish line unit.

5. With respect to claim 2 Sasaki discloses a personal electronic starter and timer (60 figure 7) in accordance with claim 1 wherein the finish line unit comprises: a microcontroller unit (12, figure 1); an emitter (40a, figure 1) coupled to the microcontroller for sending out the end of race signal; and a power supply (column 13 lines 5-7) coupled to the microcontroller.

6. With respect to claim 3 Sasaki discloses a personal electronic starter and timer in accordance with claim 2 wherein the finish line unit further comprises an indicator signal (30a figure 2, 13 figure 1, and 16 figure 1) coupled to the microcontroller (12 figure 1) for showing when the finish line unit is activated.

7. With respect to claim 4 Sasaki discloses a personal electronic starter and timer in accordance with claim 2 wherein the finish line unit further comprises a switch (15 figure 1) coupled to the microcontroller for activating and deactivating the finish line unit.

8. With respect to claim 5 Sasaki discloses a personal electronic starter and timer in accordance with claim 2 wherein the finish line unit further comprises a housing (40 figure 1) to protect internal components of the finish line unit.

9. With respect to claim 6 Sasaki discloses a personal electronic starter and timer in accordance with claim 1 wherein the body unit stores (see 97 figure 11) multiple users, multiple race distances and fastest times for each user (functional language fails to distinguish over Sasaki.)

10. With respect to claim 7 Sasaki discloses a personal electronic starter and timer in accordance with claim 1 wherein the body unit comprises: a microcontroller (96 and 71 figure 11); a display unit (65 figure 11) coupled to the microcontroller; a receiver device (82 figure 11) coupled to the microcontroller for receiving the end of race signal; and a power supply (72 figure 11) coupled to the microcontroller.

11. With respect to claim 8 Sasaki discloses a personal electronic starter and timer in accordance with claim 7 wherein the body unit further comprises a speaker (73 figure 11) coupled to the microcontroller to provide audible signals.

12. With respect to claim 9 Sasaki discloses a personal electronic starter and timer in accordance with claim 7 wherein the body unit further comprises a plurality of buttons (66-69 figure 7) to activate and deactivate the body unit and to scroll through menu features of the body unit.

13. With respect to claim 10 Sasaki discloses a personal electronic starter and timer in accordance with claim 7 wherein the body unit further comprises a housing (70 figure 7) to protect internal components of the body unit.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

15. Claims 11-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki (US 5511045) in view of Kreutzfeld (US 4823367.)

16. With respect to claim 11 Sasaki discloses a personal electronic starter and timer in accordance with claim 1. Sasaki does not disclose wherein the end of race signal is an infrared signal.

Kreutzfeld discloses an apparatus for automatic lap counting wherein the signal is infrared.

At the time of the invention it would have been obvious to one skilled in the art to combine Kreutzfeld's infrared signal with Sasaki's invention.

The suggestion or motivation for doing so would be to allow the signal to be directional, as taught by Kreutzfeld (see figure 3.)

17. With respect to claim 12 Sasaki in view of Kreutzfeld discloses a personal electronic starter and timer comprising: a finish line unit (40 figure 2, Sasaki) for generating an end of race infrared signal (see rejection above) across a finish line of a race of a predetermined distance; and a body unit (50, figure 2) coupled to a body of a person for generating a countdown signal and starting a timing function after a start signal is sounded, the timing function terminating when the body unit receives the end of race infrared signal generated by the finish line unit, the body unit storing (97 figure 11) multiple users, multiple race distances and fastest times for each user and each distance (functional language fails to distinguish over Sasaki in view of Kreutzfeld.)

18. With respect to claim 13 Sasaki in view of Kreutzfeld discloses a personal electronic starter and timer in accordance with claim 11 wherein the finish line unit

comprises: a first microcontroller unit (12 figure 1); an emitter (40a figure 2) coupled to the first microcontroller for sending out the end of race signal; an indicator (13 figure 1, 40a figure 2, and 16 figure 1) signal coupled to the first microcontroller for showing when the finish line unit is activated; and a power supply (column 13 lines 5-7) coupled to the first microcontroller.

19. With respect to claim 14 Sasaki in view of Kreutzfeld discloses a personal electronic starter and timer in accordance with claim 13 wherein the finish line unit further comprises a switch (15 figure 1) coupled to the microcontroller for activating and deactivating the finish line unit.

20. With respect to claim 15 Sasaki in view of Kreutzfeld discloses a personal electronic starter and timer in accordance with claim 13 wherein the finish line unit further comprises a housing (40 figure 2) to protect internal components of the finish line unit.

21. With respect to claim 16 Sasaki in view of Kreutzfeld discloses a personal electronic starter and timer in accordance with claim 12 wherein the body unit comprises: a second microcontroller (96 or 71, figure 11); a display unit (65 figure 11) coupled to the second microcontroller; a receiver device (82 figure 11) coupled to the second microcontroller for receiving the end of race signal; and a power supply (72 figure 11) coupled to the second microcontroller.

22. With respect to claim 17 Sasaki in view of Kreutzfeld discloses a personal electronic starter and timer in accordance with claim 16 wherein the body unit further

comprises a speaker (figure 73 figure 11) coupled to the second microcontroller to provide audible signals.

23. With respect to claim 18 Sasaki in view of Kreutzfeld discloses a personal electronic starter and timer in accordance with claim 16 wherein the body unit further comprises a plurality of buttons (66-69 figure 7) coupled to the second microcontroller to activate and deactivate the body unit and to scroll through menu features of the body unit.

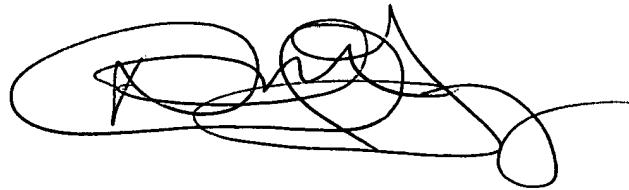
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean Kayes whose telephone number is (571) 272-8931. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Gray can be reached on (571)272-2119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SK
1/26/06

A handwritten signature in black ink, appearing to read "DAVID GRAY".

David Gray
Primary Examiner